



Council Report

776 N.E. 125 Street, North Miami, Florida 33161

To: The Honorable Mayor and City Council

From: Marc Elias, Jr., Chief of Police

Date: January 24, 2012

RE: PROPOSED RESOLUTION AUTHORIZING EXECUTION OF AGREEMENT
BETWEEN THE CITY OF NORTH MIAMI AND RETIRED POLICE MAJOR
STEVEN P. MILLER TO RETAIN POSSESSION OF HIS CITY-ISSUED
FIREARM FOLLOWING HIS RETIREMENT

RECOMMENDATION

That the City Council adopt a resolution authorizing the City of North Miami to enter into an Agreement with Retired Police Major Steven P. Miller for possession of his City-issued firearm (Sig Sauer P229, 40 caliber, serial number AB11513) subsequent to his retirement on December 31, 2011.

BACKGROUND

Major Steven P. Miller was employed by the City of North Miami for over 28 years and retired in good standing. Major Miller agrees to indemnify and hold the City of North Miami and the Police Department harmless from and against any and all claims of action, causes of action, damages and losses arising from or relating in any way to said firearm.

ATTACHMENTS

Proposed Resolution
Waiver & Hold Harmless Agreement

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, AUTHORIZING THE AWARD OF A CITY-ISSUED FIREARM TO RETIRED POLICE MAJOR STEVEN P. MILLER IN RECOGNITION OF OVER TWENTY-EIGHT (28) YEARS OF SERVICE TO THE CITY OF NORTH MIAMI AND THE NORTH MIAMI POLICE DEPARTMENT; PROVIDING FOR AN EFFECTIVE DATE AND ALL OTHER PURPOSES.

WHEREAS, Steven P. Miller was a Police Major with the City of North Miami Police Department, who retired on December 31, 2011, with over twenty-eight (28) years of service as a sworn law enforcement officer; and

WHEREAS, retired Police Major Miller was assigned a service firearm which he has utilized during his career as a Police Officer with the North Miami Police Department; and

WHEREAS, retired Police Major Miller has met Florida Department of Law Enforcement qualification standards with said firearm; and

WHEREAS, the Florida Department of Law Enforcement allows retired police officers/detectives to carry concealed firearms because it promotes public safety in the state and local municipalities; and

WHEREAS, Police Major Miller retired in good standing and wishes to retain possession of his city-issued firearm (Sig Sauer P229, 40 caliber, serial number AB11513) effective on the date of his retirement, December 31, 2011; and

WHEREAS, the City of North Miami has no further use of the described firearm and wishes to award retired Police Major Miller with the firearm in recognition of his service to the City of North Miami and as encouragement to other officers/detectives to have long term employment in the department.

NOW THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA THAT:

Section 1. Authority to Award. The Police Chief, by and through the City Manager, is authorized to award to Steven P. Miller, a retired Police Major, his city-issued

firearm in recognition of his over twenty-eight (28) years of distinguished service to the City of North Miami and the North Miami Police Department.

Section 2. **Effective Date.** This Resolution shall become effective immediately upon adoption.

PASSED AND ADOPTED by a _____ vote of the Mayor and City Council of the City of North Miami, Florida, this _____ day of January 2012.

ANDRE D. PIERRE, ESQ.
MAYOR

ATTEST:

MICHAEL A. ETIENNE, ESQ.
CITY CLERK

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

ROLAND C. GALDOS
INTERIM CITY ATTORNEY

SPONSORED BY: CITY ADMINISTRATION

Moved by: _____

Seconded by: _____

Vote:

Mayor Andre D. Pierre, Esq.	_____ (Yes)	_____ (No)
Vice Mayor Jean R. Marcellus	_____ (Yes)	_____ (No)
Councilperson Michael R. Blynn, Esq.	_____ (Yes)	_____ (No)
Councilperson Scott Galvin	_____ (Yes)	_____ (No)
Councilperson Marie Erlande Steril	_____ (Yes)	_____ (No)

WAIVER OF LIABILITY AND HOLD HARMLESS AGREEMENT

ON THIS _____ day of _____, 2012, the undersigned Steven P. Miller does warrant and state the following:

Whereas, the undersigned was a Police Major with the City of North Miami Police Department, who had over twenty-eight (28) years of service as a sworn law enforcement officer; and

Whereas, the undersigned was assigned a service firearm which he has utilized during his career as a Police Officer with the North Miami Police Department; and

Whereas, the Florida Department of Law Enforcement allows retired police officers/detectives to carry concealed firearms because it promotes public safety in the state and local municipalities; and

Whereas, the undersigned has met Florida Department of Law Enforcement qualification standards with said firearm; and

Whereas, the undersigned retired in good standing and wishes to retain possession of his city-issued firearm (Sig Sauer P229, 40 caliber, serial number AB11513), effective on the effective date of this resolution; and

Whereas, the City of North Miami has no further use of the described firearm and wishes to award the undersigned with the firearm in recognition of his service to the City of North Miami and as encouragement to other officers to have long term employment in the department.

The undersigned hereby agrees to indemnify and hold harmless the City of North Miami, Florida and the City of North Miami Police Department from and against any and all claims of action, causes of action, damages and losses arising from or relating in any way to possession and usage of said firearm regardless if claims of action, causes of action, damages and losses are suffered by the undersigned or a third party.

The undersigned agrees to abide by any and all laws of the State of Florida governing possession of a firearm by a retired police officer including, but not limited to, taking any courses required to stay proficient in the use of said firearm.

The undersigned further agrees to carry in his possession identification as a retired City of North Miami law enforcement officer (i.e. retired police officer) while in possession of such firearm.

The undersigned, his assigns, successors and heirs, waives any claims, causes of action or losses which he has or may have in the future against the City of North Miami and/or the City of North Miami Police Department regarding the award of said firearm.

SIGNED AND WITNESSED on this _____ day of _____, 2012.

WITNESS:

STEVEN P. MILLER

Print Name